

REMARKS

Claims 4, 5, 7, 10-14, 27, 29-34, 36 and 38-43 are pending in this application. By this Amendment, claims 4, 11, 27, 32 and 43 are amended. Reconsideration based on the above amendments and following remarks is respectfully requested.

Applicant gratefully acknowledges the Office Action's indication that claims 39-43 are allowable. Claim 43 has been amended to correct a typographical error.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution); (c) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (d) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

I. Pending Claims Define Patentable Subject Matter

The Office Action rejects claims 12, 34, 36 and 38 under 35 U.S.C. §102(e) over U.S. Patent No. 5,535,185 to Kim et al. (hereafter "Kim"); and rejects claims 4, 5, 7, 10, 11, 13, 14, 27 and 29-33 under 35 U.S.C. §102(e) over U.S. Patent No. 6,229,506 to Dawson et al. (hereafter "Dawson"). The rejections are respectfully traversed.

Regarding the rejection of claims 12, 34, 36 and 38 under 35 U.S.C. §102(e) over Kim, Applicant submits that Kim does not qualify as prior art under any section of 35 U.S.C. §102. Specifically, the U.S. filing date of Kim is March 5, 2001. However, the present application claims priority from Great Britain Patent Application No. 0016816.1, filed July 7, 2000, which predates the U.S. filing date (and issue date) of Kim. All of the rejected claims of the present application are supported in Great Britain Patent Application No. 0016816.1.

A certified copy of Great Britain Patent Application No. 0016816.1 together with a Claim for Priority have been filed with the U.S. Patent and Trademark Office on October 23, 2001.

Because Kim does not qualify as prior art under any section of 35 U.S.C §102, Applicant respectfully requests that the 35 U.S.C. §102(e) rejection of claims 12, 34, 36 and 38 based on Kim be withdrawn.

Regarding the rejection of claims 4, 5, 7, 10, 11, 13, 14, 27 and 29-33 under 35 U.S.C. §102(e) over Dawson, Applicant respectfully submits that Dawson fails to disclose or suggest a first switching device connected so as to establish a current path through which a data current flows during a programming stage, the data current flowing through the transistor during the programming stage, the first switching device being connected such that the current path does not pass through the electroluminescent element during the programming stage, as set forth in independent claim 4, and similarly set forth in independent claims 11, 27 and 32.

Dawson, at least in Figs. 2-4 and 6, and their associated description, discloses a voltage based method and device of driving a transistor in a programming stage. In contrast, in claims 4, 11, 27 and 32, a data current flows through the transistor during the programming stage.

Further, in Dawson, as shown in Fig. 2, a current path flows through the OLED device in both the programming stage and the reproduction stage. In contrast, as recited in claim 4, and similarly set forth in independent claims 11, 27 and 32, the current path does not pass through the electroluminescent element (or current driven element) during the programming stage.

For at least these reasons, it is respectfully submitted that independent claims 4, 11, 27 and 32 are patentable over Dawson. Claims 5, 7, 10, 13, 14, 29-31 and 33, which depend from independent claims 4, 27 and 32, respectively, also are patentable over Dawson for at

least the reasons discussed above. Withdrawal of the rejection under 35 U.S.C. §102(e) is respectfully requested.

II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 4, 5, 7, 10-14, 27, 29-34, 36 and 38-43 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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